

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1689

IN THE MATTER OF:

Served May 13, 1977

Application of FRANK MARTZ COACH)
COMPANY to Acquire Control of)
ATWOOD'S TRANSPORT LINES, INC.)

Application No. 856

Docket No. 283

By joint petition filed February 11, 1977, Atwood's Transport Lines, Inc. (Atwood), and Frank Martz Coach Company (Martz) requested this Commission to reopen the above-captioned proceeding for the purpose of correcting the manner in which the charter authority held by Atwood is specified in its Certificate of Public Convenience and Necessity No. 14 as reissued June 11, 1975. Atwood and Martz contended that a clerical error was made in describing the charter authority when Certificate No. 14 was revised pursuant to Order No. 1436. Petitioners contended that the alleged clerical error inadvertently and unlawfully resulted in an unauthorized revocation of Atwood's charter authority specified in Atwood's initial "grandfather" Certificate of Public Convenience and Necessity No. 14, dated October 23, 1964 (grandfather certificate). By Order No. 1670, served April 13, 1977, and incorporated herein by reference, the Commission denied the above-mentioned joint petition. The Commission found Certificate of Public Convenience and Necessity No. 14 issued June 11, 1975, to be free from clerical error and consistent with the authority specified in Atwood's grandfather certificate.

By joint petition filed April 25, 1977, Atwood and Martz now ask this Commission to reconsider its Order No. 1670 and, upon such reconsideration, to issue a revised version of Atwood's certificate of public convenience and necessity affording recognition to Atwood's alleged entitlement to originate charter service at points within one mile of the city limits of Washington, D. C. For the reasons set out below, the Commission will deny the joint petition.

By Order No. 1424, served May 2, 1975, and incorporated herein by reference, the Commission approved Application No. 856, subject to certain conditions, and reissued Certificate of Public Convenience and Necessity No. 14. On June 2, 1975, Atwood and Martz filed an application for reopening, reconsideration and modification of Order No. 1424. By Order No. 1436, served June 11, 1975, and incorporated herein by reference, the Commission denied said application. In that order, however, the Commission corrected a clerical problem concerning Certificate No. 14. The Commission therein reissued and attached thereto corrected Certificate of Public Convenience and Necessity No. 14.

Atwood and Martz did not file with the Commission an application in writing requesting a reconsideration of the matters involved in Order No. 1436 and corrected Certificate of Public Convenience and Necessity No. 14 within thirty (30) days of their publication as provided by Title II, Article XII, Section 16 of the Compact and Rule 28-01 of the Commission's Rules of Practice and Procedure. Nor did Atwood and Martz seek judicial review of Order No. 1436 as provided under Title II, Article XII, Section 17 of the Compact.

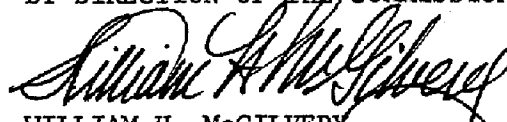
The Commission believes that Atwood's and Martz's petition for reconsideration is improper and must be rejected. Their petition does not allege clerical mistakes. Rather it collaterally attacks the Commission's final Order No. 1436 and attempts to circumvent the appellate process under the Compact. Such action is clearly improper.

THEREFORE, IT IS ORDERED:

1. That the joint petition of Atwood's Transport Lines, Inc., and Frank Martz Coach Company, to the extent it can be construed as seeking reconsideration of the Commission's finding in Order No. 1670 that Certificate of Public Convenience and Necessity No. 14, reissued June 11, 1975, is free of clerical error, be, and it is hereby, denied.

2. That said joint petition, in all other respects, be, and it is hereby, rejected.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVER
Executive Director